

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

In Re:)	CASE NO. 16-22172-JRS
)	
STEVEN R. MAY,)	CHAPTER 7
)	
Debtor)	HONORABLE JAMES R. SACCA

**CHAPTER 7 TRUSTEE'S MOTION FOR AUTHORITY TO SELL PROPERTY
OF THE ESTATE FREE AND CLEAR OF LIENS, CLAIMS, ENCUMBRANCES,
AND OTHER INTERESTS BY PRIVATE SALE**

COMES NOW, the Chapter 7 Trustee, Albert F. Nasuti (the "Trustee"), by and through his counsel of record, and pursuant to 11 U.S.C. § 363, shows the following:

1. Steven R. May (the "Debtor") commenced a Chapter 7 proceeding on October 27, 2016 (the "Petition Date").
2. On October 28, 2016, the Trustee was appointed as interim Chapter 7 trustee and thereafter became the permanent Chapter 7 trustee at the conclusion of the meeting of creditors held pursuant to section 341(a) of the Bankruptcy Code on January 9, 2017.
3. On January 9, 2017, the Trustee filed his Report of No Distribution.
4. On February 15, 2017, the Court entered an Order discharging Debtor and the bankruptcy case was closed.
5. On June 19, 2017, the United States Trustee filed a Motion to Reopen the bankruptcy case (Docket No. 17) upon determining that the Debtor had failed to schedule his interest in one or more limited liability companies and that liquidation of such interests may result in a distribution to unsecured creditors.
6. On June 20, 2017, the Court entered an Order reopening the bankruptcy case (Docket No.

- 18).
7. On June 26, 2017, the United States Trustee reappointed Albert F. Nasuti as the Chapter 7 trustee (Docket No. 20).
 8. On August 3, 2017, the Trustee filed withdrawal of his Report of No Distribution (Docket No. 22).
 9. The Estate owns a twenty percent (20%) interest (the “LLC Membership”) in Florida Intellectual Properties, LLC (the “Company”).¹ The other owners of the Company are as follows: (i) Dallas Woody - 20%; (ii) Robert Tassey – 20%; (iii) Jerry Bridges – 20%; (iv) Ryan Law Group, PLLC – 13 ⅓%; and (v) Thomas Ryan – 6 ⅔% (collectively, the “Other Owners”). Furthermore, another individual, Gary Englehardt, retains a contractual right to royalties equal to 20% of the Company’s net profit.
 10. The Trustee seeks authority to sell the Bankruptcy Estate’s twenty percent (20%) LLC Membership in the Company by private sale back to the Company or the Other Owners’ designee for the purchase price of \$30,000.00 (thirty thousand dollars) (the “Purchase Price”) with the closing to occur within ten (10) days of entry of the order granting this Motion (the “Sale”).
 11. The LLC Membership will be sold “as is”, free and clear of liens, claims and encumbrances, with no warranties or representations of any kind, with any liens to attach to the net sale proceeds.
 12. The Trustee has reviewed information in order to determine the value of the LLC Membership. After diligent inquiry and negotiation, the Trustee believes, and therefore asserts, that \$30,000.00 represents the best price that can be obtained for the LLC

¹ Section 554(c) of the Bankruptcy Code provides that “Unless the court orders otherwise, any property scheduled under section 521(a)(1) of this title not otherwise administered at the time of the closing of a case is abandoned to the debtor and administered for purposes of section 350 of this title.” The LLC Membership was not scheduled.

Membership. The Trustee believes the Estate will be best served by a private, expedited sale of the LLC Membership.

13. Pursuant to 11 U.S.C. § 363(f), the Trustee hereby moves this Court for authority to sell the twenty percent (20%) LLC Membership free and clear of any and all liens, with liens to attach to the net sale proceeds. The Trustee will hold the proceeds of the sale in an estate account and will pay liens as may be asserted, to the extent they are valid, perfected, enforceable, and not subject to avoidance, in accord with further order of this Court. The Trustee is not aware of any liens.
14. The Trustee requests that the Court waive the 14-day requirement pursuant to F.R.B.P. 6004(h).

WHEREFORE, the Trustee respectfully moves this Court for entry of an Order:

- (a) authorizing the Trustee to sell free and clear of liens, claims, encumbrances, and other interests all the Estate's interest(s) in the LLC Membership on the foregoing terms; and
- (b) authorizing the Trustee to execute any documents as may be necessary to finalize and effectuate the proposed sale of the LLC Membership; and
- (c) waiving the 14-day requirement pursuant to F.R.B.P. 6004(h); and
- (d) granting such other and further relief as the Court may deem just and proper.

RESPECTFULLY SUBMITTED, this 9th day of August, 2017.

/s/ *Albert Nasuti*

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NOTICE OF ASSIGNMENT OF HEARING

PLEASE TAKE NOTICE that the Trustee has filed a Motion for Authority to Sell Property of the Estate Free and Clear of Liens, Claims, Encumbrances, and Other Interests by Private Sale (the "Motion") with the Court in the above-styled case.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion in **Courtroom 103, U.S. Courthouse, 121 Spring Street, Gainesville, Georgia at 1:30 p.m. on August 31, 2017.**

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two (2) business days before the hearing. The address of the Clerk's Office is Clerk, **U.S. Bankruptcy Court, Suite 120, 121 Spring Street, Gainesville, Georgia 30501**. You must also mail a copy of your response to the undersigned at the address stated below.

Dated this 9th day of August, 2017.

/s/ Albert Nasuti

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the Chapter 7 Trustee's Motion for Authority to Sell Property of the Estate Free and Clear of Liens, Claims, Encumbrances, and Other Interests by Private Sale and Notice of Hearing upon the creditors and parties in interest listed on the attached Exhibit "A" by depositing a copy of the same in the United States Mail, properly addressed and with sufficient postage thereon.

Dated this 9th day of August, 2017.

/s/ Albert Nasuti

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